IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3060 OF 2006
IN
APPEAL NO. 207 OF 2006
IN
SUIT NO. 1605 OF 1983

Om Nath Chudamnai Sharma] .. Appellant (Ori.Plaintiff)

Versus

Deepak Mahadeo Patil] .. Respondent (Ori.Defendant)

Ms. Betty D'Souza i/b M/s. M.P. Vashi & Associates for the appellant.

CORAM: R.M. LODHA, &
J.H. BHATIA, JJ.

DATED: 10TH NOVEMBER, 2006

P.C. :

. Heard Ms. Betty D'Souza, counsel for the appellant. Nobody appears for the respondent despite service.

2. Appeal was admitted on 10th July, 2006. By means of this Notice of Motion, the appellant prays that the respondent be restrained from parting with possession or inducting any third party in the subject flat No.17/C, Ground floor, Lachhmi Govind Apartments Co-operative Housing Society Limited, Jaya Prakash Road,

near Four Bungalows, Andheri-Versova Road, Mumbai.

3. Since despite service the respondent has not chosen to oppose the Notice of Motion, we are satisfied that during pendency of the Appeal, the interim order may be granted to the appellant in terms of prayer (a) of the Notice of Motion.

4. Prayer (a) of the Notice of Motion reads thus:

> "(a) That pending the hearing and final disposal of the Appeal the Defendant by himself, his servants and agents be restrained by an order and injunction of this Hon'ble Court from parting with possession of and/or inducting any third party in the said flat namely Flat No.17/C, Ground floor, Lachhmi Govind Apartments Co-operative Housing Society Ltd., Jaya Prakash Road, Near Four Bungalows, Andheri Versova Road, Andheri (West), Bombay 400058 or any part thereof."

. Notice of Motion stands disposed of.

Sd/-
[R.M. LODHA, J.]

Sd/-
[J.H. BHATIA, J.]